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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,833	02/18/2004	Steven F. Knittel	KNITTEL, ET AL. (LCNT/126)	3728
46363 7590 01/30/2008 PATTERSON & SHERIDAN, LLP/ LUCENT TECHNOLOGIES, INC 595 SHREWSBURY AVENUE SHREWSBURY, NJ 07702			EXAMINER BELANI, KISHIN G	
			ART UNIT 2143	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/780,833	Applicant(s) KNITTEL ET AL.	
	Examiner Kishin G. Belani	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

This action is in response to Applicants' amendment filed on 11/30/2007. **Independent claims 1 and 20 have been amended** by adding limitations. **Dependent claims 6-8, 13, 18 and 25** have been amended to overcome claim objections or 35 U.S.C. 112 second paragraph rejections. **Claim 5** has been **cancelled** from the claim list, but the remarks keep referring to claim 5. The examiner considers claim 5 as having been cancelled. All other claims are presented in the original form. **Claims 1-4 and 6-27 are now pending** in the present application. The applicants' amendments are shown in ***bold and italics***, and the examiner's response to the amendments is shown in **bold** in this office action. **This Action is made FINAL.**

Specification

The disclosure is objected to because of the following informalities:

In paragraph 0076, line 3, replace "data us received" with – data are received --.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, 6-9, 11-16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Morlitz (US Patent Application Publication # 2002/0065800 A1)**, in view of **Pepper et al. (US Patent Publication # 7,206,777 B2)**.

Consider **claim 1**, Morlitz shows and discloses an apparatus for use in a communication network (Fig. 1, client computers 10, with communication links 14 to the Internet 16, which in turn is linked to proxy servers 28 by links 32, to web servers 22 by links 30, and to storage media 34 by links 36, thereby forming a communication network apparatus; paragraphs 0018-0020 disclose the same details), comprising:

a gateway operable within said network for receiving a request for a resource having embedded data **and**, in response to said request, ~~said gateway further~~ **for** obtaining said resource and said embedded data, for bundling said resource and said embedded data into a file, and for sending said file (Abstract that discloses a client computer 10 making a request for a web page that has embedded child web pages and graphics and audio resources linked with the requested parent page; the web server collects all the resources associated with the requested web page and bundles them into a single archive file, which is sent to the requesting client as a response; Fig. 1 that shows a proxy server acting as a gateway to direct client's web page request to the web server; paragraph 0019 that discloses the proxy server; Fig. 2 which shows that the requested parent web page 52 has embedded child web pages 54, 56 and 58, which have embedded resources 66, 68, 70 (for parent) and 72, 74, 76, 78, 80 and 82 (for child web pages) within them; paragraphs 0024-0025 disclose the same details; Fig. 3 that shows the contents of a bundled and compressed archive file 102, assembled by the web server 22 and sent to the requesting client as a response; as well as a client request 100 that shows the URL of the web page being requested; paragraphs 0024-0028 and 0034 describe the same details).

However, Morlitz does not specifically mention ***using a resource index file having information regarding said resource and said embedded data.***

In the same field of endeavor, Pepper et al. show and disclose ***using a resource index file having information regarding said resource and said embedded data*** (Fig. 1 that shows Index 155 being built by XML indexer 150, the resource index file including information not only about the requested resource but also embedded data such as IBM logo 170, image 175 and style sheet 165; column 2, XML Example 1, lines 34-46; Fig. 2, column 6, Example 2, lines 31-67 and column 7, lines 1-7 describe the generation and use of the resource index file in specific details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a resource index file having information regarding said resource and said embedded data, as taught by Pepper et al., in the apparatus of Morlitz, so as to render the requested resource and all the embedded data within it to the web client for complete web page display.

Consider **claim 2** and **as it applies to claim 1 above**, Morlitz, as modified by Pepper et al., further discloses the claimed apparatus, wherein the request is a uniform resource identifier (in Morlitz reference, Fig. 3, Client request 100 which shows that the client request specifies a URL of a home web page; paragraph 0028, lines 4-9 disclose the same details).

Consider **claim 6** and **as it applies to claim 1 above**, Morlitz, as modified by Pepper et al., further discloses the claimed apparatus, wherein the gateway updates a ***request index file*** based on said obtained resource and on said embedded data (in Morlitz reference, paragraph 0028, lines 4-25 which disclose that the embedded files are extracted to the depth specified in the client's request, thereby indicating updates to a request index file based on the obtained resource and the embedded data extracted to the level of the specified depth only).

Consider **claim 7** and **as it applies to claim 1 above**, Morlitz, as modified by Pepper et al., further discloses the claimed apparatus, wherein the resource index file includes ***information for obtaining*** the resource and its embedded data (in Pepper et al. reference, Fig. 1 that shows Index 155 being built by XML indexer 150, the resource index file including information not only about the requested resource but also embedded data such as IBM logo 170, image 175 and style sheet 165; column 2, XML Example 1, lines 34-46; Fig. 2, column 6, Example 2, lines 31-67 and column 7, lines 1-7 describe the generation and use of the resource index file in specific details).

Consider **claim 8** and **as it applies to claim 1 above**, Morlitz, as modified by Pepper et al., further discloses the claimed apparatus, wherein the resource index files include links to embedded data (in Pepper et al. reference, Fig. 1 that shows Index 155 being built by XML indexer 150, the resource index file including information

not only about the requested resource but also embedded data such as IBM logo 170, image 175 and style sheet 165; column 2, XML Example 1, shows a link xlink:href="blogg.jpg" in the PHOTO tag being included in the resource index file).

Consider **claim 9** and **as it applies to claim 8 above**, Morlitz, as modified by Pepper et al., further discloses the claimed apparatus, wherein the gateway produces a listing of the links to the embedded data, sends uniform resource location requests for the embedded data, and receives the embedded data from the links (in Morlitz reference, paragraph 0028, lines 9-23 which disclose that the web server 22 collects links for all the child web pages, grand-child pages, and embedded graphics, audio and other resources to the requested depth, and sends requests with URLs of the embedded resources, in turn receiving the embedded resource content, which it then packages and send the collected resources as a bundled response to the requesting client).

Consider **claim 11** and **as it applies to claim 1 above**, Morlitz, as modified by Pepper et al., further discloses the claimed apparatus, wherein said gateway performs data acceleration, compression, trans-coding, or application-based optimization on said resource and said embedded data (in Morlitz reference, abstract that discloses compressing the web pages including their embedded resources; paragraph 0011 which discloses that the archive file 102 contains compressed plurality of resources).

Consider **claim 12**, Morlitz shows and discloses an apparatus for use in a communication network (Fig. 1, client computers 10, with communication links 14 to the Internet 16, which in turn is linked to proxy servers 28 by links 32, to web servers 22 by links 30, and to storage media 34 by links 36, thereby forming a communication network apparatus; paragraphs 0018-0020 disclose the same details), comprising:

a gateway for receiving a request for a resource having embedded data **and**, in response to said request, ~~said gateway further~~ for obtaining said resource and said embedded data, for bundling said resource and said embedded data into a response file, and for updating said resource index file (Abstract that discloses a client computer 10 making a request for a web page that has embedded child web pages and graphics, audio and other resources linked with the requested parent page; Fig. 1 that shows a proxy server acting as a gateway to direct client's web page request to the web server; paragraph 0019 that discloses the proxy server; Fig. 2 which shows that the requested parent web page 52 has embedded child web pages 54, 56 and 58, which have embedded resources 66, 68, 70 (for parent) and 72, 74, 76, 78, 80 and 82 (for child web pages) embedded within them; paragraphs 0024-0025 disclose the same details; paragraph 0030 that discloses using site maps (resource index files) to determine the interrelationship of the web pages on the site in order to obtain the requested resource and associated embedded data; Fig. 3 that shows the contents of a bundled and compressed archive file 102, as well as a client request 100 that shows the URL of the web page being requested; paragraphs 0024-0027 describe the same details;

paragraph 0028, lines 9-23 which disclose that the web server 22 collects links for all the child web pages, grand-child pages, and embedded graphics, audio and other resources to the requested depth (by sending requests with URLs of the embedded resources, and in turn receiving the embedded resource content), in order to package and send the collected resources as a response to the requesting client; paragraph 0028, lines 4-25 which disclose that the embedded files are extracted to the depth specified in the client's request, thereby indicating updates to the resource index files based on said obtained resource and on said embedded data).

However, Morlitz does not specifically mention ***using a resource index file having information regarding said resource and said embedded data.***

In the same field of endeavor, Pepper et al. show and disclose ***using a resource index file having information regarding said resource and said embedded data*** (Fig. 1 that shows Index 155 being built by XML indexer 150, the resource index file including information not only about the requested resource but also embedded data such as IBM logo 170, image 175 and style sheet 165; column 2, XML Example 1, lines 34-46; Fig. 2, column 6, Example 2, lines 31-67 and column 7, lines 1-7 describe the generation and use of the resource index file in specific details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a resource index file having information regarding said resource and said embedded data, as taught by Pepper et al., in the

apparatus of Morlitz, so as to render the requested resource and all the embedded data within it to the web client for complete web page display.

Consider **claim 13** and as it applies to **claim 12** above, Morlitz discloses the claimed apparatus, wherein said resource index file includes *information for obtaining* the resource and said embedded data (in **Pepper et al. reference, Fig. 1** that shows **Index 155** being built by **XML indexer 150**, the resource index file including information not only about the requested resource but also embedded data such as **IBM logo 170**, **image 175** and **style sheet 165**; **column 2, XML Example 1, lines 34-46**; **Fig. 2, column 6, Example 2, lines 31-67** and **column 7, lines 1-7** describe the generation and use of the resource index file in specific details).

Consider **claim 14** and as it applies to **claim 12** above, Morlitz discloses the claimed apparatus, wherein said resource index file includes links to said embedded data (in **Pepper et al. reference, Fig. 1** that shows **Index 155** being built by **XML indexer 150**, the resource index file including information not only about the requested resource but also embedded data such as **IBM logo 170**, **image 175** and **style sheet 165**; **column 2, XML Example 1, shows a link `xlink:href="blogg.jpg"` in the PHOTO tag** being included in the resource index file).

Consider **claim 15** and as it applies to **claim 14** above, Morlitz discloses the claimed apparatus, wherein said gateway produces a listing of said links to said

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embedded data, sends uniform resource location requests for said embedded data, and receives said embedded data from said links (in Morlitz reference, paragraph 0028, lines 9-23 which disclose that the web server 22 collects links for all the child web pages, grand-child pages, and embedded graphics, audio and other resources to the requested depth, and sends requests with URLs of the embedded resources, in turn receiving the embedded resource content, then packages and send the collected resources as a response to the requesting client).

Consider **claim 16**, Morlitz shows and discloses a method of operating a gateway, comprising:

receiving a request for a resource having embedded data (Abstract that discloses a client computer 10 making a request for a web page that has embedded child web pages and graphics and audio resources linked with the requested parent page; Fig. 1 that shows a proxy server acting as a gateway to direct client's web page request to the web server; paragraph 0019 that discloses the proxy server; Fig. 2 that shows that the requested parent web page 52 has embedded child web pages 54, 56 and 58, which have embedded resources 66, 68, 70 (for parent) and 72, 74, 76, 78, 80 and 82 (for child web pages) within them; paragraphs 0024-0025 that disclose the same details); obtaining information regarding the resource and embedded data (paragraphs 0029-0030 which disclose that the details of the embedded resources are obtained from metadata);

obtaining the resource and embedded data using the obtained information (Fig. 3; paragraph 0028 that disclose the process of collecting the resource requested by the client computer 10 and all the embedded resources associated with the requested resource (web page) and packaging them into an archive file 102; paragraphs 0029-0030 further disclose that the details of the embedded resources are obtained from site maps (resource index files)); bundling the obtained resource and obtained embedded data into a response file (Fig. 3 that shows the contents of a bundled and compressed archive file 102 sent as a response; paragraphs 0029-0031 describe the same details); and sending the response file (Fig. 3, HTTP Server Response 104 being sent to the client computer 10; paragraph 0034, lines 1-4 that disclose the same details).

However, Morlitz does not specifically mention ***using a resource index file having information regarding said resource and said embedded data.***

In the same field of endeavor, Pepper et al. show and disclose ***using a resource index file having information regarding said resource and said embedded data*** (Fig. 1 that shows Index 155 being built by XML indexer 150, the resource index file including information not only about the requested resource but also embedded data such as IBM logo 170, image 175 and style sheet 165; column 2, XML Example 1, lines 34-46; Fig. 2, column 6, Example 2, lines 31-67 and column 7, lines 1-7 describe the generation and use of the resource index file in specific details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a resource index file having information regarding said resource and said embedded data, as taught by Pepper et al., in the apparatus of Morlitz, so as to render the requested resource and all the embedded data within it to the web client for complete web page display.

Consider **claim 18** and **as it applies to claim 16 above**, Morlitz, as modified by Pepper et al., further discloses the claimed method, wherein the resource index file includes ***comprises*** a pre-compiled copy of the resource ***resource index file*** (flowchart in Fig. 2, decision block S4 that checks whether resources being requested have been previously stored, and if so not to store them again, thereby disclosing a pre-compiled resource index file; Fig. 4 that shows use of Cache 310 to access requested resources from Cache, if they are available there, further disclosing a pre-compiled resource index file).

Consider **claim 19** and **as it applies to claim 16 above**, Morlitz, as modified by Pepper et al., further discloses the claimed method, wherein the resource index file includes links to the embedded data (in Pepper et al. reference, Fig. 1 that shows Index 155 being built by XML indexer 150, the resource index file including information not only about the requested resource but also embedded data such as IBM logo 170, image 175 and style sheet 165; column 2, XML Example 1, shows

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a link `xlink:href="blogg.jpg"` in the PHOTO tag being included in the resource index file).

Claims 3, 4, 17, 20-23, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Morlitz (US Patent Application Publication # 2002/0065800 A1)**, in view of **Pepper et al. (US Patent Publication # 7,206,777 B2)** and further in view of **Shanman et al. (US Patent Publication # 7,231,357 B1)**.

Consider **claim 3** and as it applies to **claim 2** above, Morlitz, as modified by Pepper et al., discloses the claimed apparatus, except wherein the request is received from a wireless access network.

In the same field of endeavor, Shanman et al. disclose that the request is received from a wireless access network (column 4, lines 45-52 that disclose using a wireless network to distribute discount coupons along with a customized shopping list).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a wireless access network for receiving client requests, as taught by Shanman et al., in the apparatus of Morlitz, as modified by Pepper et al., so that the customers can send their shopping requests from anywhere using their wireless devices.

Consider **claim 4** and as it applies to **claim 3** above, Morlitz as modified by Pepper et al. and Shanman et al., further discloses the claimed apparatus, wherein the

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request is from a client device (In the Morlitz reference, Fig. 3, Client request 100 which shows that a client computer 10 making a request for a web page delivery by specifying a URL of a home web page; paragraph 0028, lines 4-9 disclose the same details).

Consider **claim 17** and **as it applies to claim 16 above**, Morlitz, as modified by Pepper et al., discloses the claimed method, except wherein the request is received and the response file is sent over a wireless access network.

In the same field of endeavor, Shanman et al. disclose that the request is received from and the response is sent over a wireless access network (column 4, lines 45-52 that disclose using a wireless network to process a request for discount shopping list from users and to distribute discount coupons along with a customized shopping list to them).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a wireless access network for receiving client requests and sending responses to them, as taught by Shanman et al., in the method of Morlitz, as modified by Pepper et al., so that the customers can send their shopping requests and receive discount coupons from anywhere using their wireless devices.

Consider **claim 20**, Morlitz shows and discloses a method, comprising: transmitting a client request for a resource having embedded data (Fig. 1, client computers 10, with communication links 14 to the Internet 16, which in turn is linked to proxy servers 28 by links 32, to web servers 22 by links 30, and to storage media 34 by

links 36, thereby forming a communication network for transmitting a client request for a resource having embedded data; paragraphs 0018-0020 disclose the same details; abstract that discloses a client computer 10 making a request for a web page that has embedded child web pages and graphics and audio resources linked with the requested parent page);

receiving the request (Fig. 1 that shows a proxy server acting as a gateway to direct client's web page request to the web server; paragraph 0019 that discloses the proxy server);

bundling the obtained resource and obtained embedded data into a file (Fig. 3 that shows the contents of a bundled and compressed archive file 102; paragraphs 0024-0028 describe the same details); and

sending that file to the client over the wireless network (Fig. 3, HTTP Server Response 104 being sent to the client computer 10; paragraph 0034, lines 1-4 that disclose the same details).

However, Morlitz does not specifically mention obtaining the resource and its embedded data ***using a resource index file information regarding the resource and its embedded data***; and using wireless network for communication between a client computer and the gateway.

In the same field of endeavor, Pepper et al. show and disclose ***using a resource index file having information regarding said resource and said embedded data*** (Fig. 1 that shows Index 155 being built by XML indexer 150, the resource index file including information not only about the requested resource but also

embedded data such as IBM logo 170, image 175 and style sheet 165; column 2, XML Example 1, lines 34-46; Fig. 2, column 6, Example 2, lines 31-67 and column 7, lines 1-7 describe the generation and use of the resource index file in specific details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a resource index file having information regarding said resource and said embedded data, as taught by Pepper et al., in the apparatus of Morlitz, so as to render the requested resource and all the embedded data within it to the web client for complete web page display.

However, Morlitz as modified by Pepper et al., does not disclose using wireless network for communication between a client computer and the gateway.

In the same field of endeavor, Shanman et al. disclose that the request is received from and the response is sent over a wireless access network (column 4, lines 45-52 that disclose using a wireless network to process a request for discount shopping list from users and to distribute discount coupons along with a customized shopping list to them).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a wireless access network for receiving client requests and sending responses to them, as taught by Shanman et al., in the method of Morlitz, as modified by Pepper et al., so that the customers can send their shopping requests and receive discount coupons from anywhere using their wireless devices.

Consider **claim 21** and as it applies to **claim 20** above, Morlitz as modified by Pepper et al. and Shanman et al., further discloses the claimed method, wherein the resource is an internet resource (In Morlitz reference, Fig. 3, Client request 100 which shows that a client computer 10 making a request for a web page delivery by specifying a URL of a home web page, which is the Internet resource; paragraph 0028, lines 4-9 disclose the same details).

Consider **claim 22** and as it applies to **claim 20** above, Morlitz, as modified by Pepper et al. and Shanman et al., further discloses the claimed method, wherein the information includes links to embedded data (in Pepper et al. reference, **Fig. 1 that shows Index 155 being built by XML indexer 150, the resource index file including information not only about the requested resource but also embedded data such as IBM logo 170, image 175 and style sheet 165; column 2, XML Example 1, shows a link xlink:href="blogg.jpg" in the PHOTO tag being included in the resource index file).**

Consider **claim 23** and as it applies to **claim 22** above, Morlitz as modified by Pepper et al. and Shanman et al., further discloses the claimed method, including the steps of forming a list of addresses for the embedded data, sending requests for the embedded data, and receiving the embedded data from the requests (In Morlitz reference, paragraph 0028, lines 9-23 which disclose that the web server 22 collects links for all the child web pages, grand-child pages, and embedded graphics, audio and

other resources to the requested depth, and sends requests with URLs of the embedded resources, in turn receiving the embedded resource content, which it then packages and send the collected resources as an bundled response to the requesting client).

Consider **claim 25** and as it applies to **claim 20** above, Morlitz as modified by Pepper et al. and Shanman et al., further discloses the claimed method, wherein obtaining the resource and the embedded data includes forming a *the* resource index file (in Pepper et al. reference, Fig. 1 that shows Index 155 being built by XML indexer 150, the resource index file including information not only about the requested resource but also embedded data such as IBM logo 170, image 175 and style sheet 165; column 2, XML Example 1, lines 34-46; Fig. 2, column 6, Example 2, lines 31-67 and column 7, lines 1-7 describe the generation and use of the resource index file in specific details).

Consider **claim 27** and as it applies to **claim 20** above, Morlitz, as modified by Pepper et al. and Shanman et al., discloses the claimed method, further including the step of updating the resource index file (in Pepper et al. reference, Fig. 1 that shows Index 155 being built and updated by XML indexer 150, the resource index file including information not only about the requested resource but also embedded data such as IBM logo 170, image 175 and style sheet 165; column 2, XML Example 1, lines 34-46; Fig. 2, column 6, Example 2, lines 31-67 and column 7,

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lines 1-7 describe the generation, update and use of the resource index file in specific details).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Morlitz (US Patent Application Publication # 2002/0065800 A1)** in view of **Pepper et al. (US Patent Publication # 7,206,777 B2)** and further in view of **Chow et al. (US Patent Publication # 7,216,154 B1).**

Consider **claim 10** and as it applies to **claim 9** above, Morlitz, as modified by Pepper et al., discloses the claimed apparatus, except wherein the link listing is in order of the pre-determined time required to obtain the embedded data.

In the same field of endeavor, Chow et al. disclose that the link listing is in order of the pre-determined time required to obtain the embedded data (Fig. 6, entries 604-610 in row 612 and the row below it that show efficiency ranking (inverse of time to retrieve a desired resource from host sites; column 2, lines 61-67 and column 3, lines 1-3 that disclose the meaning of efficiency as used in table 600 of Fig. 6; column 4, lines 47-67 and column 5, lines 1-5 which disclose that the link listing is in order of the pre-determined time required to obtain the embedded data).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to arrange the link listing in order of the pre-determined time required to obtain the embedded data, as taught by Chow et al., in the apparatus of

Morlitz, as modified by Pepper et al., so that the embedded resources may be accessed from their respective host sites in the order of the delay associated with their retrieval.

Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Morlitz (US Patent Application Publication # 2002/0065800 A1)** in view of **Pepper et al. (US Patent Publication # 7,206,777 B2)** and further in view of **Shanman et al. (US Patent Publication # 7,231,357 B1)** and further in view of **Chow et al. (US Patent Publication # 7,216,154 B1)**.

Consider **claim 24** and **as it applies to claim 23 above**, Morlitz, as modified by Pepper et al. and Shanman et al., discloses the claimed method, except wherein the step of forming a list of addresses includes ordering those addresses based on pre-determined times required to obtain the embedded data.

In the same field of endeavor, Chow et al. disclose that forming a list of addresses includes ordering those addresses based on pre-determined times required to obtain the embedded data (Fig. 6, entries 604-610 in row 612 and the row below it that show efficiency ranking (inverse of time to retrieve a desired resource from host sites; column 2, lines 61-67 and column 3, lines 1-3 that disclose the meaning of efficiency as used in table 600 of Fig. 6; column 4, lines 47-67 and column 5, lines 1-5 which disclose that the link listing is in order of the pre-determined time required to obtain the embedded data).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to arrange the link listing in order of the pre-determined time required to obtain the embedded data, as taught by Chow et al., in the method of Morlitz, as modified by Pepper et al. and Shanman et al., so that the embedded resources may be accessed from their respective host sites in the order of the delay associated with their retrieval.

Consider **claim 26** and **as it applies to claim 25 above**, Morlitz as modified by Pepper et al and Shanman et al., further discloses the claimed method, wherein the formed resource index file includes a listing of the embedded files (in **Pepper et al. reference, Fig. 1 that shows Index 155 being built and updated by XML indexer 150, the resource index file including information not only about the requested resource but also embedded data such as IBM logo 170, image 175 and style sheet 165; column 2, XML Example 1, lines 34-46; Fig. 2, column 6, Example 2, lines 31-67 and column 7, lines 1-7 describe the generation, update and use of the resource index file in specific details**).

However, Morlitz as modified by Pepper et al. and Shanman et al., does not disclose the times required to obtain each of the embedded files.

In the same field of endeavor, Chow et al. disclose the times required to obtain each of the embedded files (Fig. 6, entries 604-610 in row 612 and the row below it that show efficiency ranking (inverse of time to retrieve a desired resource from host sites; column 2, lines 61-67 and column 3, lines 1-3 that disclose the meaning of efficiency as

used in table 600 of Fig. 6; column 4, lines 47-67 and column 5, lines 1-5 which disclose that the link listing is in order of the pre-determined time required to obtain the embedded data).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to arrange the link listing in order of the pre-determined time required to obtain the embedded data, as taught by Chow et al., in the method of Morlitz, as modified by Pepper et al. and Shanman et al., so that the embedded resources may be accessed from their respective host sites in the order of the delay associated with their retrieval.

Response to Arguments

Applicants' arguments with respect to **claims 1-4 and 6-27** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kishin G. Belani whose telephone number is (571) 270-1768. The Examiner can normally be reached on Monday-Thursday from 6:30 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-0800.

Kishin G. Belani

K.G.B./kgb

January 27, 2008

A handwritten signature in black ink, appearing to read 'Kishin G. Belani', located to the right of the typed name.